

CALIFORNIA

Subsidized Guardianship



Subsidized Guardianship Overview

Subsidized guardianship is an option that allows children to live permanently with grandparents and other relatives when they cannot live with their own parents and when adoption is not a viable option. Although they vary from state to state, in general subsidized guardianship programs are intended either to help children exit the child welfare system into safe and permanent homes with relatives, or to keep children from unnecessarily entering the system in the first place when they are already living safely with grandparents or other relatives. This option is available in some states to children whose caregivers have obtained legal guardianship or permanent custody through existing state laws. Subsidized guardianship provides grandparents and other relative caregivers with the legal authority to make important decisions on behalf of the children in their care without government intervention while providing critical funds to help meet the basic needs of the children when they cannot return home. Subsidized guardianship payments may be equal to the state foster care rate, the TANF child-only rate, or somewhere in between.¹

The states that have implemented subsidized guardianship programs recognize that in certain family situations, guardianship or permanent custody might be the best permanence option available when children cannot return home. Subsidized guardianship arrangements are particularly important for children raised by grandparents or other relatives because they:

- Enable families to maintain bonds with the birth parent(s) who may have a physical or mental disability that makes them unable to care safely for the children in their own home;
- Honor the wishes of many older children who may not wish to be adopted and/or to break ties with their birth parents;
- Allow birth parents who may one day be able to resume caregiving activities to regain custody of the child with the oversight and approval of the courts and/or child welfare agency;
- Respect the cultural norms existent in many cultures where terminating parental rights defies important societal norms of extended family and mutual interdependence;
- Provide the courts with the flexibility to limit or expand the legal guardian's and parents' authority as necessary to best serve the changing needs of individual children, their caregivers, and birth parents;
- Limit ongoing state oversight and intervention in the lives of grandparents and other relatives who are ready to care permanently for the children in their homes, but for whom adoption and reunification have been ruled out as permanency options.²

California's Kinship Guardianship Assistance Payment (Kin-GAP) Program

California's Kinship Guardianship Assistance Payment (Kin-GAP) Program provides cash assistance and other services, such as medical coverage and independent living services, for eligible children. As of February 31, 2005, there were a total of 14,877 Kin-GAP cases³ open with the California Department of Social Services.⁴ The purpose of Kin-GAP is to create an option for permanent placement with a relative if all of the eligibility requirements are met and the relative and child (if age appropriate) choose this option.⁵

Eligibility requirements for Kin-GAP include:

- Children must have been in the foster care system and living with relatives for at least 12 months.
- Children must be under the age of 18, with exceptions made as long as they are attending high school, college, or vocational school.
- There must be evidence of a strong attachment between the child and the relative caregiver.
- Adoption and reunification must have both been carefully considered and ruled out as permanency options.

- The relative caregiver must become the legal guardian of the child prior to receiving the subsidy.
- The placement must be ruled by the court to be in the “best interest” of the child and must be reviewed annually in order for the payments to continue.⁶

Other program specifics:

- The KinGAP monthly payment is equal to the basic foster care rate based upon age, but does not include a clothing allowance or specialized care increments.
- The primary funding source for the program is TANF, with the difference between TANF funding and the Kin-GAP rate being shared evenly between the state and counties.
- Medical (Medi-Cal) coverage is provided for the children as well as other services through the Kinship Support Services Program.
- The children receiving KinGAP are eligible for Independent Living Services when they become teenagers.
- Kin-GAP is administered at the county level with the State providing policy oversight and training.⁷

The KinGAP application process is as follows:

- The relative should speak to the child’s social worker about the pros and cons of KinGAP and the timeline involved.
- The social worker will facilitate the process of having the eligibility verified, the dependency dismissed, and the legal guardianship established.
- The relative should also talk to the child’s attorney, request an assessment, and request a court review.⁸
- Once the guardianship is established, the caretaking relative may need to provide a copy of the legal guardianship papers to the county.

Conclusion

KinGAP has helped over 14,000 children exit California's formal foster care system and remain in permanent placements with grandparents or other relatives by providing financial assistance and other services to support these families. KinGAP, however, is funded by state dollars and may be at risk in times of state budget shortfalls. Allowing federal Title IV-E foster care funding to be used for subsidized guardianship programs like KinGAP, would help ensure long-term stability for the program. This could also free up some state funds to serve additional children in need of support, such as those who are outside of California's formal foster care system currently living in homes with loving

relatives who are in need of financial assistance in order to continue to care for them.

For more information on this program and its application process go to

www.dss.cabwnet.gov/lettersnotices/2001AllCou_580.htm

and click on ACIN I-59-01 or contact: Lou Del Gaudio, Manager, Kincare Policy & Support Unit, California Department of Social Services, at (916) 657-1858 or lgaudio@dss.ca.gov.

For more information about pending legislation affecting subsidized guardianships or about grandparents or other relatives raising children in general, visit Generations United’s website at www.gu.org or call 202-289-3979.

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Generations United (GU) is the only national membership organization focused solely on improving the lives of children, youth, and older people through intergenerational strategies, programs, and policies. For further information, please contact: Generations United (GU), 1333 H Street, N.W., Suite 500W, Washington, D.C. 20005 (202) 289-3979, Fax: (202) 289-3952; e-mail: gu@gu.org.



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¹ Children’s Defense Fund. “States’ Subsidized Guardianship Laws at a Glance.” Children’s Defense Fund, 2004.

² Bissell, Mary and Miller, Jennifer (eds). “Using Subsidized Guardianship to Improve Outcomes for Children: Key Questions to Consider.” Children’s Defense Fund and Cornerstone Consulting Group, 2004.

³ The number of cases does not equal the number of children being served. There can be more than one child per case.

⁴ The Kinship Guardianship Assistance Payment Program Caseload Movement Report at http://www.dss.cabwnet.gov/research/CA237KG-Ki_673.htm for February 2005, numbers 10a and 10b.

⁵ The Kinship Guardianship Assistance Payment Program brochure at http://www.dss.cabwnet.gov/lettersnotices/2001AllCou_580.htm under ACIN I-59-01.

⁶ Allen, MaryLee, Bissell, Mary and Miller, Jennifer. “Expanding Permanency Options for Children: A Guide to Subsidized Guardianship Programs.” Children’s Defense Fund and Cornerstone Consulting Group, 2003.

⁷ The Kinship Guardianship Assistance Payment Program brochure at http://www.dss.cabwnet.gov/lettersnotices/2001AllCou_580.htm under ACIN I-59-01.

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